

LAND USE BY U.S. MARINE BIOLOGICAL RESEARCH LABORATORY, LA JOLLA, CALIF.

JULY 19, 1965.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Commerce, submitted the following

REPORT

[To accompany S. 1735]

The Committee on Commerce, to whom was referred the bill (S. 1735) relating to the use by the Secretary of the Interior of land at La Jolla, Calif., donated by the University of California for a marine biological research laboratory, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill, S. 1735, is to authorize and direct the Secretary of the Interior to reconvey certain lands to the University of California when these lands are no longer needed by the United States or when the United States ceases to use the land for more than 2 years exclusively for fishery and oceanographic research purposes. This measure fulfills the commitment made by the Secretary of the Interior to the University of California at the time when the university conveyed the land to the United States for the purpose of constructing a Federal marine biological research laboratory. This laboratory and its functions are briefly described in the following section of this report. The Secretary said in a letter to the university at the time of the conveyance to the United States the following:

We recognize that the university does not wish to surrender its campus properties permanently. In view of this I am prepared to recommend strongly that the administration seek from the Congress special legislation to meet the requirements of the board of regents.

I consider this a grave moral commitment and hereby so indicate to my successors.

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On March 23, 1965, the Secretary of the Interior requested the introduction and favorable consideration of legislation to fulfill this commitment. His letter to the President of the Senate fully sets out the facts involved and is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 23, 1965.

HON. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill relating to the use by the Secretary of the Interior of land at La Jolla, Calif., donated by the University of California for a marine biological research laboratory, and for other purposes.

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Department of the Interior has recently completed the construction of a new marine biological research laboratory at the Scripps Institution of Oceanography situated on the San Diego campus of the University of California. The laboratory was constructed on 2.4 acres of land that were donated to the United States by the regents of the University of California.

When negotiations with the university were started for a new building site, local representatives of the Department first proposed that the site would be leased to the United States for 99 years. This proved to be impractical, because Federal policy does not permit the construction of public buildings on leased land without specific statutory authority. The Department then proposed that the site would be conveyed to the United States with a reversionary clause under which the title would revert to the university at the end of 99 years, or earlier if the Government ceased to use the land for the research laboratory. The Department of Justice advised us that it could not approve the title to the land if the deed contained this reversionary clause. The Department of the Interior then asked the university to convey the land without the reversionary clause, but with the understanding that the Department would seek the enactment of legislation which would authorize a reconveyance of the land to the university at the end of 99 years, or earlier if it ceased to be needed for research laboratory purposes. The university agreed.

The deed which conveyed the land to the United States requires the land "to be used exclusively for research on the living resources of the sea or their environment; or for purposes compatible with activities of said Scripps Institution of Oceanography, or for any other purpose expressly approved by the Grantor."

The deed also recited the following understanding:

"The Secretary of the Interior has pledged himself to seek the introduction of and to support legislation * * * empowering an officer of the United States to execute a deed reconveying the property to the Grantor in the event of failure to use the property as specified herein; or failure to build a laboratory facility within five (5) years from the date hereof; or at the expiration of fifty (50) years from the date hereof, unless it is determined that the land is needed by the United States for specified purposes; or at the expiration of ninety-nine (99) years from the date hereof."

The deed was executed on March 22, 1962, after the following assurance was given in a letter dated February 15, 1962, from the then Under Secretary:

"We recognize that the university does not wish to surrender its campus properties permanently. In view of this I am prepared to recommend strongly that the administration seek from the Congress special legislation to meet the requirements of the board of regents.

"I consider this a grave moral commitment and hereby so indicate to my successors."

The legislation now recommended will carry out the understanding on the basis of which the land was donated and the laboratory was constructed, with one modification.

The United States now holds the title to the land subject to a limitation which prohibits the use of the land for any purpose other than specified kinds of research, or purposes compatible with the activities of the Scripps Institution, or for other purposes expressly approved by the regents of the university. If that use should be discontinued, the Government would have only two alternatives under the terms of the deed, aside from the understanding with the university: it could try to sell the land to someone else who would use the land for the limited purposes, or it could let the laboratory stand idle and unused. The first alternative is not a realistic one; moreover, it would be unfair to the university because another research organization should not be placed on the campus of the university without the university's consent. The second alternative is wasteful because it involves continuing expense to the Government in the form of maintenance, or it involves allowing the buildings to deteriorate and become unsightly, which in addition to being wasteful would also be unfair to the university.

We therefore believe that if the Government's use of the land for the specified purposes should be discontinued the only reasonable and fair procedure is to reconvey the land to the university. The buildings would be included in the reconveyance. The Government would have received all of the benefit from the buildings that it could receive, inasmuch as it could not use them for any other purpose, and removal of the buildings would be impractical. The buildings would not, in fact, have any value to the Government at that time. The university was not responsible for placing the buildings on the land and should not be asked to pay for them.

The understanding with the university also contemplated that the title will be reconveyed at the end of 99 years, regardless of whether the Government has a continuing need for the property at that time. We have discussed further this understanding with the university, and with its concurrence have omitted the 99-year provision from the proposed legislation. If at the end of 99 years the Government has a continuing need for the property for the uses permitted by the deed, obviously there is no public interest that would be served by a reconveyance of the property to the university, because the Government would then need to acquire substitute property and facilities at additional cost in order to continue its program.

The original understanding was based on an assumption that the Government would get full value out of its investment over a 99-year period, and in a realistic sense would suffer no economic loss by reconveying the property at the end of that period. The arrangement would be the equivalent of construction of the laboratory on a 99-year

leasehold, which is an accepted commercial practice. The difficulty with this assumption is that Federal governmental programs are not undertaken as economic ventures, with an amortization or writeoff of the capital investment at the end of a fixed period. If all governmental construction were undertaken on that basis, the entire construction program would need to be refinanced at fixed intervals.

In this respect the Federal Government and the various State educational institutions have a comparable need. When they construct buildings designed to be used by future generations they do so on land that will be available as long as their programs continue.

The university has agreed that its primary purpose will be accomplished by a reconveyance of the property when it ceases to be needed or used for the purposes permitted by the deed.

The proposed legislation amounts to a reciprocal application of the policy followed by the Federal Government when conveying Federal land to a State or public agency for educational, recreational, or conservation purposes. That policy is to restrict the use of the land to the specified purposes, and to provide for a reversion of title to the Federal Government if the land ceases to be used for those purposes. That policy was applied to the University of California by the act of September 14, 1962 (76 Stat. 546), which conveyed the former Camp Matthews to the University. The proposed legislation would permit the same policy to be applied by the State in the case of the land which it donated to the Federal Government for marine biological research purposes.

The Bureau of the Budget has advised that there is no objection to the presentation of the proposed legislation from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

FISHERY-OCEANOGRAPHY CENTER, LA JOLLA, CALIF.

The \$2.8 million Fishery-Oceanography Center on the campus of Scripps Institution of Oceanography, University of California, at La Jolla, was dedicated on October 31, 1964. The Center, perched on a cliff 200 feet above the Pacific Ocean, consists of a four-building complex grouped around a central court. It contains approximately 50,000 square feet of usable space and rests on a 2.47-acre parcel of land deeded to the Department of the Interior by the regents of the University of California.

About 125 scientists and supporting staff are now housed in the Center. Eventually it is expected that 200 persons will be working there. The majority of these will be attached to the California Current Resources Laboratory or the Tuna Resources Laboratory, both operated by the Interior Department's Bureau of Commercial Fisheries, and both of which formerly were the Bureau's laboratories in La Jolla and San Diego, respectively. The Center provides the means for consolidation of support services to these two Bureau laboratories as well as opportunities to increase cooperation among scientists carrying out fishery and oceanographic research programs. Smaller organizations such as

the Scripps tuna oceanographic research group also work at the Center because their work is closely related to that being carried out by the Bureau.

The types of work currently underway by the consolidated laboratories include the following:

- (a) Fish taxonomic and age and growth studies;
- (b) Larval developmental studies;
- (c) Chemical, physical, and biological oceanography;
- (d) Fish physiology and genetics;
- (e) Fish behavior;
- (f) Fish forecasting; and
- (g) Population dynamics.

A large number of species of fish are studied but emphasis is on the commercially important resources such as the anchovy, hake, sardine, and tuna.

AGENCY REPORTS

In addition to the letter from the Secretary of the Interior to the President of the Senate set out earlier in this report, the only comment received was that of the Comptroller General which indicates that the General Accounting Office has no information concerning the substance of S. 1735 and, therefore, offers no comment. The letter from the Comptroller General is as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., April 15, 1965.

B-154523.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: By letter dated April 8, 1965, you requested our comments on S. 1735. This measure concerns the use by the Secretary of the Interior of land at La Jolla, Calif., which was donated to the United States by the University of California for a marine biological research laboratory.

We have no information concerning this matter which would assist the committee in its consideration of S. 1735. We therefore offer no comments concerning the action to be taken on this measure.

Sincerely yours,

JOSEPH CAMPBELL.

COST OF THE LEGISLATION

There will be no additional cost to the Federal Government as the result of favorable consideration of this bill.

CHANGES IN EXISTING LAW

There are no changes in existing law.





